Mr KS Nalwa, Advocate for the petitioner.
Mr Vikas Chaudhary, AAG Haryana.
Ms Nirmaljit Kaur, Advocate for the complainant.

This petition has been filed under Section 438 CrPC for the grant of pre arrest bail in case FIR 126 dated 9.2.2006 registered for the offences under Sections 323, 498-A, 506, 406 IPC at Police Station DLF Gurgaon.

The dispute between the parties is a matrimonial one. They have now entered into a settlement and a compromise has been recorded in writing in the present proceedings. The statements of Ankur Saxena – petitioner and the complainant – Smt Mukta Saxena have been recorded in Court and the compromise has been tendered as Ex C1. They have been identified by their respective counsel. Both the parties have stated that they would remain bound by the compromise. The complainant is somewhat apprehensive that the Flat No.705, Intelligentsia, Plot No.60, Sector 56 Gurgaon which has been agreed to be transferred by the second party in her name is likely to be delayed. Mr Nalwa has submitted that once the matter has been settled, the modalities for giving effect to the compromise shall be carried out and, therefore, the apprehension expressed by the complainant is

unfounded. Both the parties shall cooperate in withdrawing cases against each other and the petitioner shall take steps to transfer the plot in question in favour of the complainant so that a quietus can be put to the pending litigations which are there between the parties. Insofar as this petition is concerned, in view of the compromise, nothing survives. Learned counsel for the State has submitted that in view of the compromise entered into between the parties, the custody of the petitioner is not required for the purposes of investigation.

The petitioner, therefore, in the event of his arrest, shall be admitted to bail on his furnishing personal bond and surety in the like amount to the satisfaction of arresting/investigating officer subject to the provisions of Section 438 CrPC.

Disposed of accordingly.

5.4.2007. (S.S.SARON)
ASR JUDGE

Statement of Ankur Saxena son of Pradip Saxena, resident of House No.C-112, B, Belvedere Park, DLF City Phase – 3, Gurgaon, on SA.

….

I have entered into a compromise along with my other family members with the complainant – Smt Mukta Saxena. The compromise is Ex C1. I shall be bound by the terms and conditions of the said compromise. All the pending suits and complaints filed by the second party to the compromise shall be withdrawn. We have amicably settled our disputes. Appropriate application for withdrawing all the pending litigation and quashing proceedings, in view of the settlement, shall be filed. I shall sign the same wherever necessary. Flat No.705, Intelligentsia, Plot No.60, Sector 56 Gurgaon shall be transferred by me in favour of Smt Mukta Saxena – complainant. For this purpose also I shall sign all the necessary documents including the conveyance deed, relinquishment deed, power of attorney as may be necessary. My statement has been recorded which has been read over to me and I shall stand by it.

RO & AC (S.S.SARON)
5.4.2007. Judge.

Statement of Mukta Saxena wife of Ankur Saxena daughter of Jai Kumar Dar, resident of Falt No.705, Intelligentsia, Plot no.60, Sector 56, Gurgaon, on SA.

….

I have entered into a compromise Ex CI with Ankur Saxena and his parents and others mentioned as second party in the agreement. I shall remain bound by the terms and conditions of the said compromise. I shall withdraw all the pending litigations that have been filed by me. For this purpose, I shall also sign whatever documents may be necessary and also file petition under Section 482 CrPC for quashing the proceedings wherever necessary. I shall also cooperate in the filing of a joint petition for divorce in terms of Section 13-B Hindu Marriage Act, 1955. In respect of Flat No.705, Intelligentsia Plot No.60, Sector 56 Gurgaon which is to be transferred in my name by the second party, I shall pay all the balance instalments of the loan in terms of the aforesaid compromise Ex C1. My statement has been recorded which has been read over to me and I shall stand by it.

RO & AC (S.S.SARON)
5.4.2007. Judge.